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ABSTRACT

The Westchester Initiative for Homeless Children is an effort of the Plan for Social Excellence, Inc., to improve education. This report updates a 1993 report that studied the limited successes and ongoing challenges of educating homeless children in Westchester County (New York). This update examines changes in educational policy since the first study and assesses progress over the past 3 years. Data sources include Census figures, state legislation, other document reviews, information from advocacy groups, and an interview with an administrator from the county's homeless student program. The county has made an exemplary response to the problems of homeless children, largely through a collaborative program for homeless students. In 1995, 814 school-age children were identified as homeless in the county, and the program serves 850 to 900 students at any given time. New York State has established policy to ease school residency problems of homeless children in accord with the provisions of the McKinney Act for the homeless. Policy recommendations for the improvement of services begin by suggesting that the distribution and oversight of McKinney funds be improved. Student counting methods and records should be improved to allow clearer identification of problems, and more information should be available to improve access to services, participation in programs, and to reduce absenteeism. Interagency cooperation is necessary to assure the success of the McKinney Act and related programs provided by Westchester County. (Contains 73 references.) (SLD)

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SLIPPING THROUGH THE CRACKS:

THREE YEARS LATER

A PAPER OF

THE WESTCHESTER INITIATIVE

FOR

HOMELESS CHILDREN

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PUBLISHED BY
PLAN FOR SOCIAL EXCELLENCE, INC.
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About the Plan

Plan for Social Excellence, Inc. is a not-for-profit organization that utilizes private funds to create or support innovative pilot projects in education in the United States.

The Plan supports programs that are fluid and responsive to the needs of individual schools and communities rather than programs that attempt to address these needs through a system-wide process of reform. This approach allows the Plan and its program participants to circumvent overburdened school bureaucracies in order to attack the roots of problems that prevent students from succeeding or excelling in their studies.

This "grassroots" approach to educational enrichment and reform is part of a growing trend among educators, community leaders, and parents, many of whom have been frustrated by a lack of opportunities for initiatives at the local level. This local emphasis ensures that the reform measures are appropriate to the populations and circumstances in which they are developed, and that these programs benefit the school, the district and the community in significant and lasting ways.

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PREFACE

The Westchester Initiative for Homeless Children (WIHC) is an endeavor undertaken by Plan for Social Excellence, Inc., a private foundation established to bring about positive and measurable improvements in education. The Plan published a 1993 monograph, *Slipping Through the Cracks*, which studied the limited successes and ongoing challenges in educating homeless children in Westchester County, New York.

The study found that although some progress had been made, in removing stringent residency requirements, problems such as inadequate transportation, absenteeism, and a lack of school records continued to deny homeless children equal access to educational programs and services. The study found that, at that time, problems in accountability, evaluation, and information access regarding expenditures of McKinney funds in New York state needed to be addressed. The study concluded with specific policy recommendations at both the state and district level.

In this update, the Plan examines changes in educational policy since the first study and revisits its policy recommendations to assess the progress made over the past three years.

This study was exploratory, seeking to examine the education of homeless children and youth in Westchester County and to bring about preliminary findings which may warrant further, in-depth analysis in future research.

Data on homelessness are notoriously skewed. Estimates range from hundreds of thousands to millions of homeless and are often the product of semantics and the definition used for each estimate. Data are inherently limited due to collection methods, timing, and reliability. Multiple sources of evidence and data are employed in this research to ensure maximum accuracy. Data sources include 1990 Census data on population, education level, and poverty rates. Legislation, regulations and their corresponding amendments were collected to be analyzed for policy, historical progression, and mandates or incentives. An interview was conducted with Kathleen Peters-Durrigan of the Southern Westchester BOCES Homeless Student Program, which

implements the McKinney Act Education of Homeless Children and Youth grant program in Westchester County.

Advocacy groups for children, the homeless, and education provided a wealth of data in position papers, case studies, informal interviews, and policy analysis. The U.S. Department of Education provided data on grants, funding amounts, and project descriptions associated with the McKinney Act Education of Homeless Children and Youth Grants. State Education Departments provided their State Plans for the Education of Homeless Children and Youth..

INTRODUCTION

Families are the fastest growing segment of the homeless population in the United States. They represented 43 percent of homeless people in 1993, compared to 27 percent in 1985. About 30 percent of the people who entered the nation's shelters in 1993 were children, an increase from 25 percent in 1988, according to a survey of more than two dozen cities by the U.S. Conference of Mayors (Tyson, 1994).

"Homelessness in the midst of affluence and relatively low unemployment runs counter to public expectations" (Levitan and Schillmoeller, 1991). Westchester County, New York illustrates this paradox. Although Westchester has the 13th highest median income in the nation (1990 Census), it has a higher percentage of homeless people per capita than any county in the state (Siegel, 1995).

According to the 1990 Census, Westchester County has a population of 874,866. Of that population, 16.7 percent or 132,979 are school-aged, defined as ages 5 to seventeen. Census figures portray a community that is generally affluent with only 1.2 percent of Westchester families below poverty level, compared to the national average of 2.6 percent. However, in some areas of the county, poverty rates are significantly higher than Westchester's average. For example, Yonkers and Mount Vernon have family poverty rates of 2.3 percent and 2.2 percent respectively. As mentioned, Westchester's median family income of $58,862 ranks well (59 percent) above the national average of $35,225. Census data also reveal that 81 percent of Westchester's adult population has attained at least a high school degree, compared to the national average of 75.2 percent.

Westchester County's Department of Social Services reported the January 1995 homeless count at 871 families with 1,792 children, and 743 homeless singles and childless couples. Of that count, no families with children were housed out of county. Fifty-four families including 123 children were housed in Westchester County motels; 360 families including 784 children were

housed in emergency housing units; 369 families including 726 children were placed in family facilities such as Providence House, Vernon Plaza, Mt. Vernon WestHELP, Greenburgh WestHELP, and the Coachman Center; and 88 families including 159 children made their own arrangements. Of the 743 homeless singles and childless couples, 392 were placed in shelters, 23 were placed in Westchester motels, 15 in out of county hotels, 55 were placed in Emergency Housing Apartments, and 258 made their own arrangements (Westchester County Department of Social Services, 1995).

In 1992, county officials announced that Westchester's homeless populations reached its lowest level in five years. A July 1992 New York Times article focusing on this development made the following observation,

> "Those in the social services system find that their housing options have improved. Five years ago, homeless Westchester school children could be required to take a 180-mile round-trip journey by taxi to Yonkers five days a week from such places as the Painted Aprons and Deer Dale motels in Port Jervis, NY. Five years ago, 625 of Westchester County's 829 homeless families, including 1,647 children, lived in motels spread across seven New York counties. By last month, that number had been reduced by more than two-thirds. Today taxis no longer double as school buses. Most homeless families have moved to 'transitional' apartment units made available throughout the efforts of nonprofit groups like Westhab, a housing development management company, and WestHELP, the group Mr. [Andrew] Cuomo founded six years ago" (Tessa, 1992).

June 1994 data showed that Westchester's homeless are languishing in the cycle of homelessness nearly a year longer than they did in 1991, according to records from the county's Department of Social Services, with average lengths of homelessness for families at 37 months in 1994 compared to 23 to 25 in 1991 (Williams, 1994). Although the number of homeless single residents has dropped by nearly half in that same time span, then DSS Commissioner Mary Glass said a lack of affordable housing makes the problem even more complex.

A recent Pace University study, "A Growing Hunger: A Study of Food Inadequacy in Westchester County 1993" found, "While the county's 5.4 percent unemployment rate last year was below the national average of 6.4 percent, jobs lost due to corporate cutbacks tend to be replaced by lower-paying ones in the service sector. And those lower-paying jobs make it tough for many families to come up with the $972 in rent that is average for a two-bedroom apartment in the county" (Pace University, 1995).

HOMELESS SCHOOL-AGE CHILDREN

In 1991 the New York State School Board Association completed a research project titled, "The Collaborative Journey Home: A Research Report on the Challenges of Educating Homeless Children and Youth in Upstate New York." Westchester County and the counties of Nassau, Putnam, Rockland, Suffolk, and New York City which make up the downstate region, were not included. However, the findings shed light on reasons for homelessness in the regions outside the New York City metropolitan area. The four most prominent reasons for homelessness, reported in order of significance, were domestic violence, eviction by landlord, relocation out of county and eviction by primary tenant. Other reasons stated included substance abuse, runaway homeless youth, and housing code violation (New York State School Boards Association, 1991).

The typical homeless family today finds that the lowest level needs for shelter, adequate food and clothing are not being met. In addition, the family has little security. Although the families try to provide a sense of love and belonging, constant moving and lack of extended family support mean there are virtually no personal belongings to provide for tradition or a sense of being rooted in a culture or group.

Homelessness is devastating to children, taking a toll on health and emotional well-being. Homeless children have no place to call their own, few personal belongings, and no intellectual support such as books, games, crayons, or other materials. They continually leave behind any friends they may have made. The most critical problem many of these children face, however, is the denial of an education (National Coalition for the Homeless, 1987).

Homeless children face significant barriers to receiving the same public education as their non-homeless peers. As many as one-third of homeless children may not be attending school on a regular basis (U.S. Department of Education, 1992). Children who are homeless with their family members often suffer not only disruption in their education, but serious emotional and developmental problems that can persist long after their families find permanent housing (Inter-

agency Council on the Homeless, 1994).

The National Association of State Coordinators for the Education of Homeless Children and Youth include in their position statement,

> "Beyond all else, homeless children need homes. However, to the extent that this nation can meet the educational needs of homeless children, we can help ensure that homeless children do not become homeless adults. Public education can play a significant role in meeting both the long- and short-term needs of homeless children and youth, providing an environment that supports the physical, social and emotional growth" (Johnson and Wand, 1991).

In some communities, roadblocks include residency status, proof of age, immunization and health records, and proof that the child has attended school. For most homeless parents, getting their children enrolled is a feat that goes beyond their resources (Eddowes and Hranitz, 1989).

In an October 1994 article, "Reaching and Teaching the Homeless," Damun Gracenin wrote, "Six years after the Stewart B. McKinney Homeless Assistance Act, schools are still working on programs that reconnect homeless children with the school. There is great disparity between the number of homeless children in need and those who receive services. Scant appropriations and lack of know-how force many school districts to ignore homeless children. McKinney grants to local districts have been too small to establish comprehensive programs" (Gracenin, 1994).

In "Educating Children of the Homeless," by E. Anne Eddowes and John R. Hranitz, the authors state,

> "To be most effective, schools must reach out to shelters and inform all community agencies and law enforcement officials that there are educational programs for homeless children. Schools serving these children must open earlier and close later than regular school hours. Breakfast, lunch and an after-school snack should be provided. A place to do homework assignments (complete with a tutor) might help to improve school achievement. Funds should be available to help families with additional transportation and extracurricular expenses...To provide for continuity, there should be an information 'tracking and sharing' net work between agencies and school systems" (Eddowes and Hranitz, 1989).

The authors conclude, "The educational problems faced by children of homeless families cannot be solved entirely by an influx of federal dollars to schools...Schools and community agencies must believe that they can make a difference in the lives of homeless children...All homeless families should receive the clear message that education is still one of the best paths to achieving life's goals" (Eddowes and Hranitz, 1989).

EDUCATIONAL POLICIES

Pre Mc-Kinney Barriers to Education

Before the passage of the McKinney Act in 1987, homeless children faced many barriers in accessing public education. The most frequent and problematic barriers to education for homeless children and youth included residency requirements, guardianship requirements, availability of records, and transportation (Stronge, 1992). Although not detailed as a systemic barrier, one cannot forget the environmental barrier faced by homeless children who may lack consistency due to frequent moves, concentration loss, and a dire lack of basic educational resources such as educated parents or books and supplies.

Most, if not all, states include in their compulsory attendance laws a provision specifying that all children will be provided access to schools in the district in which they or their parents/guardians reside. When parents wish to enroll children in a school district other than the one in which they reside (perhaps for a superior academic or athletic program), they are usually required to pay "tuition" comparable to the cost of the per pupil expenditure in that district.

Before the McKinney Act, residency requirements were perhaps the most significant barrier to a homeless child's access to education since homeless students are, by definition, without a residence. The residency problem was further complicated by frequent moves among temporary shelters or split families where homeless parents sent their children to live with friends or relatives not necessarily in the same school district. When parents attempted to enroll a homeless student in the school district where the child was temporarily housed, many school districts denied admission to the child since he or she was not a resident of the district.

Prior to the 1987 McKinney Act, the only recourse of homeless families whose children were denied admission to school for failure to meet residency requirements was to appeal to the courts or the state commissioner of education. Two such appeals occurred in pre-McKinney Westchester County.

The first reported case pertaining to residency requirements applied to homeless children was *Richards v. Board of Education of Union Free School District Number 4* in 1985. The plaintiff mother, Mary Richards, successfully persuaded state authorities that her children were entitled to receive an education in the Port Chester-Rye school district where they had previously lived and attended school.

In an administrative ruling, State Education Commissioner Richard Ambach reasoned, "It is well settled that a residence is not lost until another residence is established through both intent and action expressing such intent" (Helm, 1991). Commissioner Ambach found that the plaintiff's intent to remain in Port Chester was clearly supported by her weekly return to the Department of Social Services office in that community, her request for temporary housing in Port Chester, the maintenance of a post office address there, church ties to the area, and the presence of extended family in the community. Thus, Ambach ruled that she still technically resided in Port Chester because "she neither established nor gave any evidence that she intended to establish permanent residence elsewhere" (Helm, 1991).

Notably though, the Commissioner refused to generalize the decision to all homeless children. He held that until the legislature enacted legislation "specifically addressing the education of homeless children, the residence of such children must be determined on a case-by-case basis" (Helm, 1991).

Shortly after the passage of the 1987 McKinney Act, but before New York State promulgated its regulations, Diane Harrison brought action against the Peekskill school district for refusing to allow her children to continue attending school there after they were forced to leave their father's residence in Peekskill. The children returned to live with their mother in the Mahopac motel (which was not in the Peekskill district), where she was living after a fire destroyed her apartment in another town.

When Westchester Legal Services filed a suit for Ms. Harrison, they not only sought declaratory and injunctive relief but also brought charges against both the school district and the commissioner for denial of due process in failing to provide written notice of the reasons for excluding the Harrison children and for failing to inform her of her right to a hearing and to a decision by the commissioner.

By the time the judge issued his ruling (*Harrison v. Sobol*, 1988), the petitions were rendered moot by state legislation allowing homeless parents to determine whether their children would attend school in the district where they were previously enrolled or in the district where they were temporarily living. The judge did, however, find Commissioner Sobol and the school district guilty of denial of due process, though only nominal compensatory damages of $1.00 were awarded, with no punitive damages in the absence of evidence of willfulness or motivation by education officials in their neglect of informing Ms. Harrison of her rights to due process (Helm, 1991).

In January 1989, *Orozco by Arroyo v. Sobol* involved Ms. Arroyo and her daughter, Sixta Orozco, former residents of Mt. Vernon, who were public aid recipients temporarily housed in an emergency shelter in Yonkers. Both the Mt. Vernon and Yonkers school districts refused Sixta admission based on residency requirements, holding that neither the student nor her mother were legal residents of either district.

A preliminary injunction from the federal district court required the Yonkers schools to admit the student because her current residence, however temporary, was in that district. Westchester Legal Services brought charges of denial of due process against the school district and the Commissioner of education for failing to provide Ms. Arroyo with an opportunity for a hearing about the decision.

Since state education mandates frequently require children to be registered for school by either parents or official guardians, guardianship issues presented another pre-McKinney barrier to homeless children's education. Guardianship requirements presented problems for separated families since the children may have been some distance from parents. Such requirements were a major roadblock to runaway youth living independently who, by definition, did not have an available parent or guardian to register them for school.

Pre McKinney Act, if a homeless child overcame the residency and guardianship barriers, he or she was often met by yet another barrier, that of records. Homeless students faced many difficulties associated with a lack of records such as birth certificates, academic records, and health and immunization records. A student could not be placed into a grade level without a birth certificate. Past school work could not be assessed for placement levels, grade and type of

classes if the new school did not have copies of the student's academic records. Without proof of immunization against communicable diseases, most schools were required by law to exclude children trying to enroll or already enrolled.

Ely's 1987 survey of shelter providers around the country found that in 25 percent of the shelters surveyed, lack of records from a previous school impeded or prevented their clients from registering in school (Ely, 1987). Parents seem to have more pressing worries about housing than to keep accurate records and copies of school documentation. Runaway youth usually did not have copies or access to such records. Bureaucratic delays in records transfer time took precious days away from a homeless child's school attendance. Pre-McKinney Act, few school districts had mainframe computer access to student's school related records.

Until the 1987 passage of the McKinney Act, even the student who overcame residency, guardianship and records barriers faced the ultimate barrier, a lack of transportation. In Ely's 1987 survey of shelter providers, 15 percent reported attendance problems related to difficulties in obtaining transportation to school (Ely, 1987).

Homeless children out of walking distance to school often faced delays in receiving city transit passes to use for public transportation to school. In the interim, parents could not afford to pay the transportation costs, so the child missed school. Further, some homeless children were temporarily housed great distances (sometimes up to 50 miles) from their schools and busing was not provided. In 1987, homeless Westchester school children could have been required to take a 180-mile round-trip journey by taxi to Yonkers five days a week from such places as the Painted Aprons and Deer Dale motels in Port Jervis, New York. Few school districts had formula systems for arranging transportation for children, especially those too young to travel unaccompanied on public transportation.

Aside from basic access to education, many homeless students were deprived the full enjoyment of public education including the scheduling flexibility to arrive early for school breakfast programs or stay after school to participate in extracurricular activities. Although not part of basic education, these food programs often represented a child's only chance at a proper breakfast. Afterschool activities, such as clubs or athletics, would have allowed a homeless student the social experience and peer interaction desperately needed. However, with limited or no trans-

portation available, homeless students were often unable to participate in such activities.

The pre-McKinney barriers dictated remedies for legislation and regulations. While most of the systemic issues have been dealt with in legislation, as seen in the judicial examples, problems remain with implementation.

The 100th Congress responded to the problem of homelessness in June 1987 by enacting the Stewart B. McKinney Homeless Assistance Act (P.L. 100-77). Although previous legislative actions had responded to the food and shelter needs of the homeless, little had been done before to address the causes of homelessness or the diverse needs of the homeless. The McKinney Act, the first comprehensive homeless assistance law, reflected both the urgency of the homelessness crisis and the growing number of the homeless (United States General Accounting Office, 1992).

The McKinney Act authorized 17 homeless assistance programs for fiscal year 1987 and 1988. In addition, the act authorized property disposition programs, the Interagency Council on the Homeless, and a requirement for state and local governments to prepare a comprehensive planning document (United States General Accounting Office, 1992).

The statement of policy for the McKinney Homeless Assistance Act Subtitle B - Education for Homeless Children and Youth, as amended 1994, reads,

"It is the policy of Congress that -

> (1) each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youth;
>
> (2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the Sate will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children, and youth are afforded the same free, appropriate public education as provided to other children and youth;
>
> (3) homelessness alone should not be sufficient reason to separate students from the mainstream school environment; and
>
> (4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held."

State and local governments, in combination with voluntary agencies, are the primary actors in assisting homeless persons (United States Department of Health and Human Ser-

vices, 1990). In July 1994, Governor Mario Cuomo signed Assembly Bill A.8130-A, an act to amend the education law, the social services law and the executive law, in relation to the education of homeless children, into law. Assemblyman Angelo Deltoro served as the Assembly sponsor of the bill and State Senator Joseph Holland served as the sponsor of its companion Senate bill S.6501-C.

The New York State Senate Memorandum in Support of the bill defined its purpose as the following:

> "This bill brings New York State law into compliance with the Federal Stewart B. McKinney Act (P.L. 100-77) and its amendments (P.L. 101-645), by expanding the definition of homeless child, and increasing access to education for homeless children and runaway youth" (New York State Senate, 1994).

In July 1994, Governor Cuomo signed Chapter 569 of the Laws of 1994 which expanded the definition of a homeless child. In accordance with the amendments, the Board of Regents, by emergency action, promulgated regulations amending Commissioner's Regulation 100.2(x) on September 1, 1994. The amendments were enacted to conform the State's definition of a homeless child with the definition that appears in the federal Stewart B. McKinney Homeless Assistance Act. Under the previous definition, the State only reimbursed local school districts for the education of homeless children placed by the Department of Social Services in temporary shelter or housed in residential programs licensed by the Division for Youth for runaway and homeless youth. Under the expanded definition, a "homeless child" also includes children,

> "who lack a fixed, regular and adequate nighttime residence and/or children whose primary nighttime location is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings" (Education Law Section 3209(1)(a)).

In his Approval memo for the bill, Governor Cuomo wrote, "This bill, by using a broader definition of 'homeless child,' extends these benefits to children whose families have 'doubled up' by living with friends or relatives, to children living in not-for-profit religious or domestic violence shelters, and to runaway youth not housed in Division of Youth shelters" (Cuomo, 1994).

The next section of this study focuses on Westchester County and its response to the needs of homeless school-age children. Previous policy recommendations are revisited and updated with progress made since the 1993 study by Plan for Social Excellence, Inc.

WESTCHESTER'S HOMELESS CHILDREN

Westchester's response to the homeless student problem has been exemplary. Southern Westchester BOCES administers a homeless student program to coordinate efforts of the Department of Social Services and local school districts. The Westchester County Homeless Student Program is a collaborative program. Implementation of this Program requires the efforts of many partners including: the Westchester County Department of Social Services; three school districts contributing through their Youth At-Risk Community Partnership Programs; Urban League of Westchester, Inc.; the Westchester County school districts involved in education of homeless students (average number is 22 at any given moment in time); the not-for-profit agencies providing education case management on behalf of homeless students (average number is 20); the Westchester Teacher Center; the Teacher Center at SUNY Purchase; and Southern Westchester BOCES (Peters-Durrigan, 1995).

The Southern Westchester BOCES 1993-1994 Service Guide describes the Homeless Student Program as,

> "The program coordinates efforts between the Department of Social Services and local school districts to enroll homeless students in the home or host school district. Program funds support a community agency to provide case management in the temporary housing where students reside. In order to track students and ensure that arrangements have been made for appropriate schooling, a data base has been developed. A Local Coordinating Council [the Homeless Student Collaborative] facilitates cooperation between agencies, and works for the resolution of any problems that hinder the process. The program is funded by New York State. It has been expanded to included coordination of a voluntary regional placement plan comprised of ten participating school districts, offering a third school choice for some homeless children" (Southern Westchester BOCES, 1993).

Westchester County Department of Social Services monthly report on the Number of Homeless Families, Children and Singles by district office for the month ending January 31, 1995 revealed the following counts of school-aged homeless children:

Mt. Vernon	183
New Rochelle	49
Port Chester	31
Peekskill	89
White Plains	53
Yonkers	355
Mt. Kisco	18
Ossining	36
TOTAL	814.

Of these school-aged children, none were placed in out of county motels; 59 were in Westchester County hotels; 385 were in emergency housing units; 309 were in family facilities; and 61 were from families who made their own arrangements.

According to figures provided by Kathleeen Peters-Durrigan of the Homeless Student Program, the Homeless Student program serves between 850 - 900 students at any given time and serves approximately 1000 - 1200 students annually. Of these students, most return to the original school district (Peters-Durrigan, 1995). As of June 1, 1995, 916 students were being supported through the Homeless Student Program. In addition, during the 1995-96 school year, two requests for assistance were received on behalf of students who fell into a category of "homeless" not receiving services or assistance either through the Westchester County Department of Social Services or the Westchester County Runaway Shelter. Requests for assistance to an estimated five students were received through the Westchester County Runaway Shelter. Of those 916 homeless students, 70 percent (645) attended the school district of last permanent residence, 22 percent (201) attended the school district of current location, three percent (24) attended the school district last attended, and one percent (13) participated in the Voluntary Regional Placement Plan. The remaining 4 percent of students were pending designation or not placed (Peters-Durrigan, 1995).

NEW YORK/WESTCHESTER PLAN

New York State was the first state to establish policy that eased the school residency problems of the homeless. Using the nine factors for review of a state plan set by the Center for Law and Education, New York has a solid plan (Jackson, 1990). Its earlier version in 1990 had problems which were remedied by the 1994 amendments to State Education Department regulations. New York now has a homeless definition in compliance with amended federal standards, including runaway youth and homeless children not receiving assistance from the Department of Social Services.

New York's original state plan in 1991 did not meet the McKinney Act requirements in several critical ways such as definitional issues (homeless child/youth and school-age child), dispute resolution process, options for school attendance, removal of barriers, comparable services, and transportation.

> In its 1991 regulations, New York defined a homeless child as, "a child entitled to attend school in the state of New York who, because of the unavailability of permanent housing, is living in a hotel, motel, shelter, or other temporary living arrangement in a situation in which the child or his or her family is receiving assistance and/or services from a local services district."

Such a definition excluded McKinney Act-mandated eligible students such as those living in foster homes.

More importantly, the former definition limited assistance to only those students receiving assistance from the Department of Social Services. Thus, for example, a child living in a religious or domestic violence shelter, who was not necessarily poor, was not included in New York's definition of homeless child. The McKinney Act provisions require assistance to all homeless children, regardless of whether they are receiving assistance from the Department of Social Services. In essence, the former, narrow definition of homeless effectuated a new barrier for homeless children in the very regulation intended to remove barriers.

New York's earlier definition of school-aged children also presented a problem. The McKinney provisions apply to "those persons who, if they were children of residents of the state, would be entitled to a free public education." New York State, however, did not make any provisions for the education of homeless preschoolers.

The McKinney Act mandates a prompt dispute resolution process for homeless children and youth denied their right to enroll in school because of residency requirements. Originally, New York's regulations merely provided that appeals may be obtained from the Office of Counsel [of the Commissioner of Education]. As illustrated in the previously mentioned *Richards* and *Harrison* cases, New York regulations failed to outline a process for dispute resolution or to answer where a student may attend pending the resolution of a dispute.

New York's early plan did have significant strengths however. In 1990, only two states, New York and Virginia, gave the parents of homeless children the absolute right to determine where those children will attend school (Jackson, 1990). New York's plan did not mention educational services specifically, but did state that homeless children are to be considered residents "for all purposes" wherever they are enrolled. New York's state plan noted that the transportation costs incurred by homeless students and their families in that state are paid by state social services districts (Jackson, 1990).

Following the 1994 federal amendments to the McKinney Act, New York State adopted revised regulations for the education of homeless children and youth through the passage of Assembly Bill A.8130 and its Senate companion S.6501-C. The bill brought New York State into compliance with the McKinney Act and its amendments by expanding the definition of homeless child and increasing access to education for homeless children and runaway youth. The definition was broadened to include runaway youth and homeless children not receiving assistance from the Department of Social Services. The bill also clarified school district reimbursement procedures and transportation responsibility.

Unlike many states which leave the decision to an educator, New York involves the student's parents, if available, in the designation of which school the child will attend. New York requires school districts to forward all records within five days of a student's request. In the interim, the State Education Department will intercede to allow immediate attendance. New York's regula-

tions specify transportation responsibility. Although New York's plan does not contemplate later review of its plan, its willingness to do so is illustrated by the 1994 revision in response to federal amendments to the McKinney Act. New York's plan also allows students to choose a third option, the Voluntary Regional Placement Plan (VRPP), when designating a school.

In 1991 the Homeless Student Project of Southern Westchester BOCES developed the Voluntary Regional Placement Plan (VRPP), the first and only of its kind in the state, designed through the efforts of the Homeless Student Collaborative; the Southern Westchester BOCES School Superintendents; the Westchester County Department of Social Services; and Southern Westchester BOCES. The Plan presents a third option, aside from returning to the school district of last permanent residence or attending the school in the district of temporary shelter, by allowing a homeless student housed outside of the community of last residence to attend the school of another participating district on a space available basis. Only a small number of homeless Westchester students, usually not more than ten students, opt for Voluntary Regional Placement. However, in some of these few cases, caseworkers have noted the success of a "fresh start" for the student.

New York goes beyond the mandates of the McKinney Act in several important ways. First, it authorizes the parent, the person in relation to a child, or the homeless child, if no parent is available, to decide whether to continue their child's education at the current school, or transfer into a local school. Second, it allows parents to change the designation either before the end of the semester for which the designation is first made or within 60 days from the date of the designation, whichever is later. Third, it clarifies responsibility for the provision of transportation: transportation for children who both live in and attend school within the district will be paid for by the school district. All other transportation expenses are the responsibility of the Department of Social Services.

Westchester's program attempts to break down the pre-McKinney barriers such as transportation, records transfer, and comparable services. Comparable services, such as pre-school Head Start programs, are available to Westchester's homeless students. The Department of Social Services has worked with various non-profit agencies to secure priority placement in Head Start programs. Homeless students receive Head Start placements on a first priority basis. Shelters generally provide their own day care services while community day care centers often pro-

vide services for homeless children. Many pre-K and nursery school programs provide scholarships for homeless students. A high percentage of these services are used by students.

Westchester experienced many of the same intergovernmental constraints noted by other states and localities around the nation. Kathleen Peters-Durrigan noted that, "The new regulation takes an incredible amount of time to put into motion" (Peters-Durrigan, 1995). She also noted many of the previously discussed constraints of funding cycles and delayed administrative guidelines.

However, collaboration is evident in Westchester's implementation of the McKinney Act Education of Homeless Children and Youth program. The Department of Social Services (DSS) and BOCES coordinate services to identify homeless students and ensure a speedy school designation and enrollment. DSS sends daily faxes to the Homeless Student Coordinator outlining moves and newly homeless families. Shelters and case management providers are reaching out to the community and using community services to meet the needs of homeless students and their families. Kathleen Peters-Durrigan noted a "true collaborative approach" when the Homeless Student Program's budget used both DSS and BOCES funds.

Westchester's coordinator also reported that the program has an "open line to the State Education Department" and that she is in contact with the Department on a weekly basis.

The State Education Department entered into a collaborative agreement with DSS in 1988 in which DSS agreed to make every effort to place homeless families, children and youths in temporary shelters within their original school districts. When a family in need of an emergency housing placement applies at one of the regional Westchester County Department of Social Services District Offices responsible for processing the homeless, the family is interviewed by a worker in the Homeless unit to assess placement needs. As mentioned, families with children temporarily relocated by DSS outside their community of origin have three educational options as mandated by State education regulation. Casework assistance includes efforts to designate schools for children and assist in registration within 24 hours of placement.

POLICY RECOMMENDATIONS REVISITED

PROBLEM:

THE DISTRIBUTION AND OVERSIGHT OF MCKINNEY ACT FUNDS IS INADEQUATE.

Of the McKinney Act funds allocated since 1988 to New York State for homeless children and youth, only a small percentage has been used for direct support services for homeless children. Of the money that has been distributed in grants to projects for direct services to homeless students, there is no evident plan for the monitoring and evaluation of the use of the funds.

POLICY RECOMMENDED:

The New York State Education Department should develop and implement a clear organizational structure for the distribution and monitoring of funds allocated through the McKinney Act.

PROGRESS:

Organizational Structure

State education departments must operate within the parameters of the federal McKinney Act. Early years of McKinney funding were rife with delays, late notices of grant availability, and poor administration on the part of the U.S. Department of Education. Many advocacy groups for the homeless studied the delays in depth and found that states did not receive information about McKinney grants in a timely fashion.

Appropriations for implementation of the program were made available in July 1987. However, the United States Department of Education, the federal agency charged with implementing the Education of Homeless Children and Youth program, was lax in doing so. In December 1987, the National Coalition for the Homeless, citing unwarranted delays in the implementation of educational provisions of the McKinney Act, filed suit in federal court to

require the Department of Education to comply with the congressional mandate and implement Title VII in a timely fashion. In January 1988, the Department entered into a settlement agreement, stipulating to an expedited timetable for implementation (Friedman and Christiansen, 1990).

The National Law Center on Homelessness and Poverty published a follow-up investigation of the Department of Education's implementation of the program to educate homeless children and youth. The goal was to monitor the activities of the Department of Education and the states and focused on the Department's compliance with the statutory mandate.

The Center found that the Department of Education was not sufficiently clear in its guidance to states. For example, when the Department rejected state plans, it sent only a form letter without explanation or suggested remedies. The Center found that, "Department of Education's implementation of its primary responsibility of reviewing applications and allocating funds to the states was rife with delays" (Friedman and Christiansen, 1990). When former program director Ed Smith was questioned about these delays, he attributed the implementation delays to "the nature of the bureaucracy" (Friedman and Christiansen, 1990). Further, the U.S. Department of Education did not finalize regulations in sufficient time for states to be given ample opportunity to develop their programs.

States were quite confused by the funding cycle of McKinney Funds. Since the Department of Education did not finalize its non-regulatory guidelines until December 1987, the fiscal year 1987 application packets were not sent out until four months after the program was enacted. The Department delayed over eight months in sending a simple notice to states alerting them that fiscal year 1988 funds were available. The notice neglected to include a deadline. On April 12, 1989, over eight months after the original notice of fund availability was sent, the Department informed states that the fiscal year 1988 applications were due on April 30, 1989.

Like many education programs, Title VII is "forward funded," meaning that funds appropriated in a given fiscal year are to be used in the following fiscal year, thereby allowing states sufficient notice to plan their activities. Funds are available for a given fiscal year in the fall of the previous year. Under the Department of Education's schedule, states could not even apply for these funds until April 30 of the following year. Even if a state applied on time, it had lost ten

months. The Department of Education now refers to funding cycles as Year 1, Year 2, etc. to avoid fiscal year confusion.

The McKinney Act originally authorized only $7.5 million annually for education for homeless children, two-thirds of which was authorized for state grants to enable each state to establish a coordinator and to develop a state plan to provide for the education of homeless children and youth. The remaining one-third was to be spent on grants to states and local education agencies for "exemplary programs that successfully met the needs of homeless students" (P.L. 100-77, Section 723(a)(1)).

Congress never appropriated the full $7.5 million authorized. The November 1990 amendments to the McKinney Act changed the funding amounts and allowable uses. The amendments cut the exemplary programs and replaced them with $50 million authorized for annual distribution to states. Congress appropriated $50 million for Title VII B programs for fiscal year 1991, but only $7.2 million was appropriated (Shut Out, 1990).

Federal fiscal year 1994 appropriations for the education of homeless children and youth, through the U.S. Department of Education, amounted to $25.5 million as of October 1994 with final FY95 appropriations at $28.8 million (National Coalition for the Homeless, 1994).

Organizational constraints may still exist for state education departments and local education agencies. However, much administrative progress has been made with regard to the application cycle, notice of grants, etc. since the early years of the program. State Coordinator Margretta Fairweather is advocating a three-year grant cycle that would allow local education agencies to develop long-term projects (Peters-Durrigan, 1995).

Kathleen Peters-Durrigan wrote, "The funding cycle for McKinney funding continues to serve as a challenge for project implementers." She continued to explain that allocation of funding in New York State typically occurs during the second quarter of the school year, tied to the funding of the U.S. Department of Education and the appropriation process. She added that many programs used much of the funding for summer programs rather than school-year programs for homeless students. Peters-Durrigan mentioned that, through dialogue with the New York State Education Department, the Department is seeking ways to ensure continuity and timely delivery of funding for McKinney grant recipients (Peters-Durrigan, 1995).

DIRECT SERVICES

Past legislation required local education agencies to delineate between primary and related activities with a stipulation that certain fixed percentages of funding be used for each. Before the 1994 McKinney Act amendments, no less than 50 percent of the funds received by any local education agency could be used for "tutoring, remedial education services, or other education services," and no less than 35 percent could be used to provide other services. The restriction applied to each local grant rather than to the total funds distributed by the state.

The previous requirement proved to be confusing and limiting. Local education agencies experienced great difficulty in determining what constituted a primary activity, when related activities such as transportation, which is critical to enabling homeless children and youth to avail themselves of educational services, was indeed interpreted as being an integral part of "educational services."

In 1993, New York State's Coordinator for the Education of Homeless Children and Youth, Margretta Fairweather, commented, "Local school districts should be given the prerogative of determining which critical issues relative to homelessness should be addressed through the implementation of McKinney grants. If there is no limitation regarding the primary and related activity funding split, the ability to ensure that needed services reach a given population is greatly increased" (NASCEHCY, 1993).

New York's comments articulated a common frustration of local-level governments, such as the local education agencies. Local administrators often feel that broad federal policies constrict their ability to be close and responsive to the problem, instead allowing far-off federal officials to determine priorities. Especially in New York's small communities, residents expect that their local governments will be responsive to the wants and needs of the community instead of those dictated by the federal government.

The 1994 amendments to the McKinney Act lifted the 35-50 percent restriction on fund uses. In addition to funding the state coordinator and development of a state plan, additional money has been made available for direct services such as activities and services for homeless children and the development of personnel awareness programs. The additional federal funds expanded allowable uses of the grants.

Direct services are now permitted. Westchester County 1994-95 grant recipients included:

- **Yonkers School District**: $100,000 for the Genesis Program, a summer camp program;
- **Mt. Vernon School District**: $50,000 for an after school and summer camp program;
- **Greenburgh Central School District #7**: $50,000 for after school and enrichment programs throughout the school year in addition to purchasing the services of a BOCES resource teacher specialist to provide additional storytelling services/training;
- **Peekskill City School District**: $50,000 for after school and summer enrichment prorams that seek to include homeless students in already existing community-based programs that meet homeless students' individual needs;
- **Southern Westchester BOCES:** $50,000 for:
  - Facilitating and strengthening of assessments of students and modeling of interdisciplinary teaching techniques through a story-telling project that placed a professional teacher storyteller in a K-1 school and three K-6 schools;
  - Professional storytelling training for teachers working in school building involved in education of homeless students;
  - Use of storytelling to provide parent training;
  - Staff development for teachers of the four buildings involved in the storytelling project;
  - Recruitment and training of volunteer teachers to tutor homeless students during the summer months;
  - Recruitment, training and supervision of high school students to tutor homeless students during the summer months;
  - Transportation costs for homeless students to attend school-sponsored after school and summer programs to strengthen and enrich academic performance;
  - Development of a Fall 1995 conference for caseworkers and teachers and other school personnel involved in the education of homeless students.

PROBLEM:

THERE IS NO INDEPENDENT COUNT OF HOMELESS STUDENTS.

In spite of provisions in the McKinney Act which require each state tracing McKinney funds to gather data on the number and location of homeless children and youth enrolled in school, the New York State Education Department has only used numbers provided by the Department of Social Service. The numbers provided by DSS only include those school-age children receiving public assistance, they do not include school-age children who may be homeless and destitute but not receiving any public aid, i.e. doubled up with relatives or friends and/or are the children of the working poor who have lost housing due to unemployment, housing codes, and gentrification.

POLICY RECOMMENDED:

An independent study should be initiated by the State Education Department to gather information on the location and number of homeless school-aged children. Copies of the study should be made available to legislators, government workers, educators, and advocates for the homeless.

PROGRESS:

Data on the homeless are notoriously skewed as homelessness is often an invisible social problem. Since the passage of the McKinney Act, many states have commissioned studies to gather information on the location and number of homeless school-aged children. The 1991 New York State School Board Association's "The Collaborative Journey Home: A Research Report on the Challenges of Educating Homeless Children and Youths in Upstate New York" represents one such effort in New York.

Westchester's Homeless Student Collaborative, the administrator of the Homeless Student Project, obtains data from both the Department of Social Service, school districts, and other agencies or entities which refer students to the Collaborative. The expanded definition of a homeless child, to include runaways and students not receiving public assistance, allows more students to seek services and thus gives a better indication of the number of homeless school-aged children.

PROBLEM:

INFORMATION ABOUT THE ORIGIN AND USE OF FUNDS FOR PROGRAMS FOR HOMELESS STUDENTS IS NOT AVAILABLE.

For service providers, educators and advocates looking for ways to procure funds for homeless children and youth, knowing where and how funds for the homeless are being used is essential. Currently, it is difficult, if not impossible to find out where funds for homeless programs originate and how these funds are being used.

POLICY RECOMMENDED:

A state-wide report by county identifying the incoming federal, state, county, local, and private funds for homeless programs and their subsequent budget allocations needs to be articulated.

PROGRESS:

Public funding for the homeless can be identified by multiple agencies. The Interagency Council for the Homeless, created in the 1987 McKinney Act, maintains a database of McKinney funding by program. The records include grant amounts and programs by state and entity. Other sources of data in Westchester include collaboratives like the Homeless Student Collaborative and the State Education Department, the grant-making entity for local education agencies.

Private funds remain difficult to track. However, it is clear that several non-profit and community agencies provide services to homeless children in Westchester County. The Sisters of Good Counsel operate an elementary school and provide scholarships for homeless children. The Urban League, Inc. provides case management and technical assistance. To list a few identified by the Homeless Student Collaborative:

- Westchester Co-op Headstart and Pre-School program ensures that homeless students have an opportunity for a rich pre-school experience.
- The Center for Preventive Psychiatry works closely with Westchester Co-Op and others to ensure that homeless children have access to mental health services.
- Members of Networks, a network of social service providers, volunteer their time to collaborate on planning for and with families who are caught in the maze of service delivery systems.

- The Nepperhan Community Service Center in Yonkers works to ensure inclusion of homeless students into their afterschool and summer enrichment programs.
- Westchester Jewish Community Services has played an integral part in service delivery on behalf of homeless students and also use McKinney grants to provide cognition therapy services.

PROBLEM:

THERE IS NO ADEQUATE REGIONAL COMPUTER DATABASE.

A regional database is essential in preventing homeless students from falling through the cracks. Without comprehensive regional database, school records, class designations, and special student needs may not be available in a timely fashion when a homeless student transfers from one school to another.

POLICY RECOMMENDED:

Regional computer databases should be operating in New York State by the fall of 1994 to facilitate the continuity of educational services to homeless students.

PROGRESS:

Through the Southern Westchester BOCES Homeless Student Program, there is a fully operational regional database that tracks the temporary address, school placement, school attendance, and basic information about educational needs of individual homeless students. This regional database does not provide schools with access to immunization and health records of students. However the absence of these records should not serve as a barrier to a homeless student's enrollment and attendance in school as per the new state regulations. School districts are now required to admit every homeless child to the district upon receipt of a designation form. In addition, the law allows a student to attend school for up to 14 days without submission of an immunization form. School districts are required to make a written request to the school district where the child's records are located. School districts are required to forward, within five days of its receipt of a record request, a complete copy of the homeless child's records, including, but not limited to, proof of age.

In a case where a student is barred from attendance until records arrive, the Homeless Student Coordinator must contact the State Education Department, which will call the district to force immediate attendance for the child.

PROBLEM:

HOMELESS STUDENTS DO NOT HAVE EQUAL ACCESS TO RECREATIONAL AND EDUCATIONAL SERVICES.

In order for homeless children to have access to services through the Department of Social Services, they must be receiving public assistance. A significant segment of Westchester County's homeless students are missed because they are doubled up with relatives or friends and/or are the children of the working poor who have lost housing due to unemployment, housing codes, or gentrification.

POLICY RECOMMENDED:

A budget line should be added to the County Youth Bureau budget to provide direct services and programs for homeless children. The Youth Bureau is required to provide services for children under 21 whether or not they are receiving public assistance. This policy would enable many of the homeless students that are not being served to receive recreational and educational services.

PROGRESS:

As explained in the first policy recommendation, the expanded definition of a homeless child and the expanded funding uses to include direct services allowed all homeless children to receive McKinney benefits and services.

County Youth Bureau programs are open to all students, regardless of the home status.

PROBLEM:

HOMELESS STUDENTS ARE UNABLE TO PARTICIPATE IN CO-CURRICULAR PROGRAMS.

Many homeless students are unable to participate in sport, music, and tutorial school programs due to the lack of available transportation to and from their residential shelter. Current regulations in the McKinney Act do not allow for State Education Departments to give grants solely for support activities, including transportation expenses.

POLICIES RECOMMENDED:

Homeless children should be guaranteed transportation to all school co-curricular activities. Transportation should be coordinated by the State Departments of Education, Social Services, and Transportation. Funds to pay for the services could come from the State Education Department (McKinney funds) and from funds for homeless services in the Department of Social Services. The McKinney Act should be amended to allow for state education departments to give grants solely for support activities, including transportation expenses.

PROGRESS:

First and foremost, the progress in the area of student transportation must be recognized and applauded. Due to a collaborative agreement to house students within district whenever possible and new regulations delineating transportation responsibility, the nightmare stories of 100 mile round-trip bus trips for students housed out of county are now a rare occurrence. Secondly, it is important to note that not even all district students are provided co-curricular transportation at some schools in Westchester County.

Transportation is arranged by case work/education case management staff under contract with the Department of Social Services. The Urban League, Inc. staff oversees the process through a contract with DSS. Students attending school in the "local school district" have access to transportation services available to all other students of that district. Students designating the school of last permanent residence or opting for the VRPP are transported by DSS.

As previously noted, homeless students temporarily housed in the same school district as their last permanent residence continue to use standard district transportation. Westchester

County Department of Social Services provides transportation to students returning to the district of last residence or participating in the Voluntary Regional Placement Plan. However, there is little flexibility to allow students to participate in before school breakfast programs or after school extracurricular or remedial programs. Student living outside of the school district of attendance who receive transportation services from DSS will be considered an a case-by-case basis for bus routing that allows for before and/or after school activity participation. Where such requests can be accommodated without incurring additional transportation costs, they will be granted. Otherwise, the Homeless Student Program will seek other alternatives, including paying for other means of transportation through a line on the Southern Westchester BOCES McKinney grant.

As outlined in the first policy recommendation, 1994 McKinney Act amendments and subsequent New York State regulations allow for funding for support activities including transportation.

PROBLEM:

THERE ARE NO ENFORCED REGULATIONS TO CONTROL THE ABSENTEEISM OF HOMELESS STUDENTS.

Many homeless students are missing 20 or more days of school per school year. At present, there are no mandated guidelines or regulations for schools to follow in regards to reporting absences and improving the conditions which are contributing to truancy problems.

RECOMMENDED:

Regulations outlining the responsibilities and requirements of schools and school districts vis-a-vis the reporting of truancy problems should be written and distributed by the State Education Department. To ensure the effectiveness of the truancy control, a biannual state-wide review of compliance should be conducted by the State Education Department.

PROGRESS:

The Homeless Student Program ensures case management follow-up to all student who are residing with their families in temporary emergency housing in Westchester County. In particular, students with poor school attendance are conferenced regularly to monitor progress.

According to the New York State Education Department, the 1993-94 school attendance ratio for Westchester County students was .9339. Data on Westchester's homeless students' school attendance was compiled for the period between September 1994 and March 1995 on a total of 639 homeless students or approximately 70% of the total homeless student population. Of this group of 639 students, four percent had perfect attendance and seventy percent had a school attendance rate of 80 percent or better.

Significant progress has been made since the February 1992 sample of homeless students missing 30 to 60 days per school year.

CONCLUSION

Interagency cooperation, however difficult to achieve, is necessary for the McKinney Act Education of Homeless Children and Youth to be successful. Greater cooperation and communication among agencies such as Department of Social Services, school districts, and Department of Transportation to name a few, would allow a smoother system for the homeless student. "Coordinated efforts at the federal, state, and local level to strengthen the McKinney Act, clarify the responsibilities of districts, share information through inter-agency collaborations, and provide funds for transportation can have an enormous impact" (Reardon, 1992).

Overall, Westchester has a strong program which has attempted to compensate for the organizational, fiscal, and legal constraints inherent in the McKinney Act legislation and implementation. Attempts have been made to eliminate pre-McKinney barriers such as residency requirements, transportation, records delay, and guardianship. Westchester's program is exemplary in that it is the only program in New York State to offer students the third option of Voluntary Regional Placement Plan.

However, some issues, such as a regional tracking system and after-school transportation questions, remain. Experience has shown that many of these wrinkles in the system will only be resolved when they are challenged. As this program is at such an early stage, there is much growth and further clarification ahead.

Looking to the future for homeless school-aged children in Westchester County, the Homeless Student Collaborative's Plan for Implementation of the Homeless Student Program for the 1995-96 school year provides for continued concentration on the following primary goals:

- To provide support services and coordination to maintain an overall attendance rate of 80% or higher for Westchester County homeless students;
- To provide support services and coordination to ensure appropriate placement and delivery of services for all school age children in temporary emergency housing.

- To provide support services and coordination to achieve 100% enrollment of mandatory school age children residing in temporary emergency housing;
- To provide support services and coordination to ensure an early educational start for all children placed in temporary emergency housing (Peters-Durrigan, 1995).

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